

# **EXHIBIT K**

In The Matter Of:

***In Re: CR Bard 200***

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***Kimberly Allison, M.D.***

October 30, 2014

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**TIFFANY ALLEY**  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC MDL No. 2187  
REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION

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LYNDA BARNER and RODNEY BARNER, Civil Action File No.  
Plaintiffs, 2:11-CV-00055  
vs.  
C.R. BARD, INC.,  
Defendant.

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TAMMY M. LAMBERT and DAVID W. LAMBERT,  
Plaintiffs, Civil Action File No.  
vs. 2:14-CV-12092  
C.R. BARD, INC.,  
Defendant.

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PATSY LUTTRELL,  
Plaintiff, Civil Action File No.  
vs. 2:13-CV-03151  
C.R. BARD, INC.,  
Defendant.

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SAUNDRA NEVELS and RANDY NEVELS, Civil Action File No.  
Plaintiffs, 2:13-CV-01024  
vs.  
C.R. BARD, INC.,  
Defendant.

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BEVERLY PENNINGTON and WAYNE PENNINGTON,  
Plaintiffs, Civil Action File No.  
vs. 2:11-CV-00010  
C.R. BARD, INC.,  
Defendant.

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DEBORAH WHITE and RONNIE WHITE, Civil Action File No.  
Plaintiffs, 2:11-CV-00234  
vs.  
C.R. BARD, INC.,  
Defendant.

VIDEOTAPED EXPERT DEPOSITION OF KIMBERLY H. ALLISON, MD  
October 30, 2014

In Re: CR Bard 200

Kimberly Allison, M.D.

10/30/2014

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<p>1 .VIDEOTAPED EXPERT DEPOSITION OF KIMBERLY H. ALLISON, MD</p> <p>2</p> <p>3 October 30, 2014</p> <p>4</p> <p>5 9:13 a.m.</p> <p>6</p> <p>7 Los Altos Room</p> <p>8</p> <p>9 100 El Camino Real</p> <p>10</p> <p>11 Menlo Park, California</p> <p>12</p> <p>13 ALICE CHANG, RPR, CSR No. 13654</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXAMINATION</p> <p>2 WITNESS: KIMBERLY H. ALLISON, MD</p> <p>3 EXAMINATION</p> <p>4 BY MS. MOBERG</p> <p>5</p> <p>6 INDEX OF EXHIBITS</p> <p>7 EXHIBIT DESCRIPTION PAGE</p> <p>8 #1 Notice of Deposition 29</p> <p>9 #2 Dr. Allison's CV 29</p> <p>10 #3 Material Reviewed 29</p> <p>11 #4 Invoice from Dr. Allison, 30</p> <p>12 Oct. 9th, 2014</p> <p>13</p> <p>14 #5 Handwritten notes 102</p> <p>15 #6 Rule 26 Expert Report of 106</p> <p>16 #7 Kimberly H. Allison, MD 122</p> <p>17 Plaintiffs' Designation and 122</p> <p>18 Disclosure of General Expert 122</p> <p>19 Witnesses Applicable to All Wave 122</p> <p>20 1 and Wave 2 Cases</p> <p>21</p> <p>22 #8 Exhibit C spreadsheet 140</p> <p>23</p> <p>24 #9 Wound Closure Biomaterials and 147</p> <p>25 Devices 147</p> <p>26 #10 Position Statement on Mesh 157</p> <p>27 Midurethral Slings for Stress 157</p> <p>28 Urinary Incontinence 157</p> <p>29 #11 Pathology of Explanted 199</p> <p>30 Transvaginal Meshes 199</p> <p>31</p> <p>32 #12 Polypropylene as a reinforcement 200</p> <p>33 in pelvic surgery is not inert: 200</p> <p>34 comparative analysis of 100 200</p> <p>35 comparative analysis of 100 200</p>
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<p>1 APPEARANCES OF COUNSEL</p> <p>2 For the Plaintiffs:</p> <p>3 BEASLEY ALLEN</p> <p>4 BY: P. LEIGH O'DELL, ESQ.</p> <p>5 234 Commerce Street</p> <p>6 PO Box 4160</p> <p>7 Montgomery, AL 31603</p> <p>8 334.269.2343</p> <p>9 334.954.7555 (Fax)</p> <p>10 leigh.odell@beasleyallen.com</p> <p>11</p> <p>12 For the Defendant C.R. Bard, Inc.:</p> <p>13 REED SMITH, LLP</p> <p>14 BY: MARILYN A. MOBERG, ESQ.</p> <p>15 355 South Grand Avenue</p> <p>16 Suite 2900</p> <p>17 Los Angeles, CA 90071</p> <p>18 213.457.8035</p> <p>19 213.457.8080 (Fax)</p> <p>20 mmoberg@reedsmith.com</p> <p>21</p> <p>22 REED SMITH, LLP</p> <p>23 BY: MARK A. SENTENAC, ESQ.</p> <p>24 101 Second Street</p> <p>25 Suite 1800</p> <p>San Francisco, CA 94105</p> <p>415.659.5957</p> <p>415.391.8269</p> <p>msentenac@reedsmith.com</p> <p>Also Present:</p> <p>Eli Good, videographer</p>	<p>1 explants</p> <p>2 #13 Materials Characterization of 202</p> <p>3 Explanted Polypropylene Hernia</p> <p>4 Meshes</p> <p>5 #14 Characterization of Heavyweight 202</p> <p>6 and Lightweight Polypropylene</p> <p>7 Prosthetic Mesh Explants From a</p> <p>8 Single Patient</p> <p>9</p> <p>10 #15 Basic science and clinical 229</p> <p>11 aspects of mesh infection in</p> <p>12 pelvic floor reconstructive</p> <p>13 surgery</p> <p>14 #16 Photograph of Pennington slide, 242</p> <p>15 S11-15871 A1 2x</p> <p>16</p> <p>17 #17 Photograph of Pennington slide, 242</p> <p>18 S11-15871 A1 4x S100</p> <p>19 #18 Photograph of Pennington slide, 242</p> <p>20 S11-15871 A1</p> <p>21</p> <p>22 #19 Photograph of Pennington slide, 242</p> <p>23 S11-15871 A1 10x</p> <p>24 #20 Photograph of Pennington slide, 242</p> <p>25 S11-15871 A1</p>

In Re: CR Bard 200

Kimberly Allison, M.D.

10/30/2014

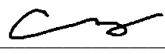
<p style="text-align: right;">Page 70</p> <p><b>1 work. It's not I get to do it on my own time. I have</b></p> <p><b>2 to show up and be here all day.</b></p> <p>3 Q. So if -- when you testify in trial in this</p> <p>4 matter, assuming counsel decides to call you to trial,</p> <p>5 you're going to be charging them \$6,800 a day for the</p> <p>6 trial, right?</p> <p><b>7 A. That's right.</b></p> <p>8 Q. Let's just go through this. So the first --</p> <p>9 you have two hours for "meeting to discuss cases" on</p> <p>10 June 11th, 2014; is that right? That's the first entry?</p> <p><b>11 A. First entry, yes, "meeting to discuss cases."</b></p> <p>12 Q. And who were you meeting with?</p> <p><b>13 A. Henry Garrard and Leigh O'Dell.</b></p> <p>14 Q. Where was that meeting?</p> <p><b>15 A. In my office at Stanford.</b></p> <p>16 Q. And was that the first time that you had ever</p> <p>17 been retained in connection with any sort of litigation</p> <p>18 involving transvaginal mesh products?</p> <p><b>19 A. Yes. Besides the phone calls that led up to,</b></p> <p><b>20 you know, "Can we meet?"</b></p> <p>21 Q. And I don't -- the reason I'm asking is</p> <p>22 because I don't see any billings for phone calls. So</p> <p>23 were those just sort of preliminary scheduling calls,</p> <p>24 nothing substantive?</p> <p><b>25 A. That's right. Yeah.</b></p>	<p style="text-align: right;">Page 72</p> <p><b>1 A. Right.</b></p> <p>2 Q. What does that mean?</p> <p><b>3 A. They sent a lot of cases, boxes of cases, for</b></p> <p><b>4 me to review. So I think I had -- I have in my office</b></p> <p><b>5 now 90-some explant cases, and I've not reviewed all of</b></p> <p><b>6 them at this point, but I reviewed a large percentage of</b></p> <p><b>7 them. I think probably close to 60 that -- you know,</b></p> <p><b>8 the majority of which are not the patients that we're</b></p> <p><b>9 talking about today, just to get an overview of the</b></p> <p><b>10 detailed findings.</b></p> <p><b>11 Looking at medical records -- I did get</b></p> <p><b>12 medical records on some of those patients just to see</b></p> <p><b>13 what kinds of links there are. Because in the</b></p> <p><b>14 standard -- the standard of care for looking at mesh</b></p> <p><b>15 cases is not an in-depth review of the medical record.</b></p> <p><b>16 And the question here is: Can I -- can I explain</b></p> <p><b>17 clinical symptoms by the histology that's present? And</b></p> <p><b>18 so that was my initial preliminary case review,</b></p> <p><b>19 essentially.</b></p> <p>20 Q. Let me see if I just understand this. So you</p> <p>21 received -- when you say you received boxes of cases,</p> <p>22 you got -- did you get pathology slides for those cases?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. And then you also got medical records for</p> <p>25 those cases, correct?</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Now, when you first met at that time,</p> <p>2 had you already been retained in these cases? Do you</p> <p>3 understand what I mean by that?</p> <p><b>4 A. No, I had not. I don't think. No, I don't</b></p> <p><b>5 think I had. Because I -- I hadn't said, yes, I want to</b></p> <p><b>6 do this.</b></p> <p>7 Q. And at what point in terms of this, you know,</p> <p>8 chronology of events here in the billing did you</p> <p>9 actually say, yes, I want to do this?</p> <p><b>10 A. I believe it was -- at the end of the meeting</b></p> <p><b>11 I said, "Hey, I'm interested. I reviewed the</b></p> <p><b>12 literature." And I believe there was follow-up</b></p> <p><b>13 afterwards that -- you know, I showed my rate agreement,</b></p> <p><b>14 and we agreed that I would serve as their expert.</b></p> <p>15 Q. Okay. So are you saying that you reviewed</p> <p>16 some literature before the meeting on June 11th?</p> <p><b>17 A. I did do a brief literature search, yes.</b></p> <p>18 Q. That was on your own?</p> <p><b>19 A. On my own.</b></p> <p>20 Q. Okay. And after the meeting, it looks like</p> <p>21 you reviewed some more literature on -- in July of this</p> <p>22 year, correct?</p> <p><b>23 A. Correct.</b></p> <p>24 Q. All right. And you said "literature review</p> <p>25 and preliminary case review," ten hours and a quarter.</p>	<p style="text-align: right;">Page 73</p> <p><b>1 A. Yes.</b></p> <p>2 Q. And -- but you're not here testifying about</p> <p>3 those individual cases --</p> <p><b>4 A. Correct.</b></p> <p>5 Q. -- today? You're only talking about seven</p> <p>6 plaintiffs, right?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. But am I -- is it fair to say that in terms of</p> <p>9 your opinions that you're offering here today, you are</p> <p>10 relying on your review -- or are you relying on your</p> <p>11 review of what was in the other boxes for the 90 cases?</p> <p><b>12 A. I think they've added to my experience. And</b></p> <p><b>13 so what -- what I was interested in seeing was: Are</b></p> <p><b>14 these findings consistent? And they -- they appear to</b></p> <p><b>15 be very consistent. So, you know, many of the mesh</b></p> <p><b>16 cases I was looking at had very consistent findings</b></p> <p><b>17 histologically.</b></p> <p>18 Q. And do you know how those 90 cases were</p> <p>19 selected for you?</p> <p><b>20 A. Patients complained of some -- either erosion</b></p> <p><b>21 or pain or some other clinical symptoms. They were</b></p> <p><b>22 removed.</b></p> <p>23 Q. Okay. I think you -- and it could be because</p> <p>24 it was a bad question, so I apologize for that.</p> <p>25 What I'm asking is: Do you know the -- the --</p>

<p style="text-align: right;">Page 74</p> <p>1 sort of how those particular cases were selected --</p> <p>2 And let me back up and ask you: Do you have</p> <p>3 any kind of understanding as to how many cases there are</p> <p>4 that are pending around the country, these mesh cases?</p> <p>5 <b>A. I think hundreds, if not thousands. I</b></p> <p>6 <b>don't --</b></p> <p>7 Q. Okay. And --</p> <p>8 <b>A. A lot.</b></p> <p>9 Q. And let's just assume for the moment that</p> <p>10 there are thousands. You got 90, right, to review?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Do you know how those 90 were selected out of</p> <p>13 the thousands of cases for you to review?</p> <p>14 <b>A. No.</b></p> <p>15 Q. And did you ask counsel whether or not you</p> <p>16 could see the rest of the cases? To review?</p> <p>17 <b>A. The thousands? No. I could not have fit them</b></p> <p>18 <b>all in my office. I -- I trusted that they were a slice</b></p> <p>19 <b>of the kinds of cases that have come through and, you</b></p> <p>20 <b>know, the level of consistency that I was seeing makes</b></p> <p>21 <b>me think the findings are very similar in explanted mesh</b></p> <p>22 <b>for symptoms.</b></p> <p>23 Q. Now, you said something in -- this morning,</p> <p>24 it's still this morning, I guess. But you said</p> <p>25 something earlier. About -- I wrote down "60 surgical</p>	<p style="text-align: right;">Page 76</p> <p>1 the explant?</p> <p>2 <b>A. Pathologists don't generally prepare slides.</b></p> <p>3 <b>The histotechnologists in the laboratory do. So we</b></p> <p>4 <b>select what tissue to put in cassettes, and then it gets</b></p> <p>5 <b>sent to a laboratory that makes the slides. And then we</b></p> <p>6 <b>look at the slides.</b></p> <p>7 Q. Okay. And, again, that was showing kind of my</p> <p>8 broader level of -- that's what I meant, but I didn't</p> <p>9 quite ask it that way. So I'm glad you clarified.</p> <p>10 Now, back to that.</p> <p>11 <b>A. Okay.</b></p> <p>12 Q. Have you ever done that with the -- with a</p> <p>13 transvaginal mesh product?</p> <p>14 <b>A. Made the gross tissue selection?</b></p> <p>15 Q. Correct.</p> <p>16 <b>A. No. And often I think the -- you get small</b></p> <p>17 <b>pieces, only, that are removed.</b></p> <p>18 <b>We also have pathology assistants and</b></p> <p>19 <b>residents who do most of the gross examination.</b></p> <p>20 Q. In terms of any of the opinions that you're</p> <p>21 going to offer today concerning degradation of</p> <p>22 polypropylene, is it -- am I correct that you are not a</p> <p>23 biomaterials expert?</p> <p>24 <b>A. I'm an expert in the pathology of the tissue</b></p> <p>25 <b>response to biomaterials, in that sense. But I don't</b></p>
<p style="text-align: right;">Page 75</p> <p>1 explants that were previously part of litigation that</p> <p>2 were examples of vaginal mesh" in terms of other vaginal</p> <p>3 mesh cases that you've been involved in -- I'm not</p> <p>4 talking about litigation cases. I'm talking about</p> <p>5 pathology examinations. Do you recall that testimony?</p> <p>6 <b>A. So repeat it again, that I had seen 60 --</b></p> <p>7 Q. Yeah. Let me --</p> <p>8 <b>A. What were they associated with?</b></p> <p>9 Q. Yeah. Let me -- and you know what, rather</p> <p>10 than go back to what you said, which I could have easily</p> <p>11 written down wrong, let me ask you this way.</p> <p>12 So aside from the 90 cases that you were given</p> <p>13 that are back in your office, aside from these cases --</p> <p>14 And are these cases part of the 90, the 7?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Okay. So you've reviewed less than 100</p> <p>17 litigation mesh cases and files, right?</p> <p>18 <b>A. Sure. Yes.</b></p> <p>19 Q. Aside from those, how many pathology files and</p> <p>20 records of mesh explants have you -- had you seen in</p> <p>21 your normal practice? About -- we already established</p> <p>22 that, about 10 to 12?</p> <p>23 <b>A. We did, yes. Exactly.</b></p> <p>24 Q. Have you ever been involved in actually</p> <p>25 getting the actual explant and preparing the slides from</p>	<p style="text-align: right;">Page 77</p> <p>1 <b>study biomaterials for a living.</b></p> <p>2 Q. And you have no -- you hold no PhDs or</p> <p>3 advanced educational degrees in the field of</p> <p>4 bioengineering, biomaterials, or polymers, correct?</p> <p>5 <b>A. No. I'm a pathologist.</b></p> <p>6 Q. And -- you know, bear with me, Doctor, here,</p> <p>7 because this going to help me figure out what you are</p> <p>8 going to talk about and what you're not going to talk</p> <p>9 about at trial. So that's why I'm doing this. So I'm</p> <p>10 going to go through a process of elimination here to try</p> <p>11 to figure that out. Okay?</p> <p>12 You are not a urogynecologist and you have no</p> <p>13 expertise in urogynecology, correct?</p> <p>14 <b>A. I am a pathologist. I am not a</b></p> <p>15 <b>urogynecologist.</b></p> <p>16 Q. And you're not a urologist?</p> <p>17 <b>A. No, I'm not a urologist.</b></p> <p>18 Q. And you are not an obstetrician or</p> <p>19 gynecologist, correct?</p> <p>20 <b>A. That's correct.</b></p> <p>21 Q. And you are not an expert in regulatory</p> <p>22 compliance issues as it pertains to the clearance or</p> <p>23 approval of medical devices; is that fair?</p> <p>24 <b>A. That's correct.</b></p> <p>25 Q. You did not perform any analysis of the actual</p>

In Re: CR Bard 200

Kimberly Allison, M.D.

10/30/2014

<p style="text-align: right;">Page 350</p> <p>1 REPORTER'S CERTIFICATION</p> <p>2</p> <p>3 I, Alice Chang, Certified Shorthand Reporter in and</p> <p>4 for the State of California, do hereby certify:</p> <p>5</p> <p>6 That the foregoing witness was by me duly sworn;</p> <p>7 that the deposition was then taken before me at the time</p> <p>8 and place herein set forth; that the testimony and</p> <p>9 proceedings were reported stenographically by me and</p> <p>10 later transcribed into typewriting under my direction;</p> <p>11 that the foregoing is a true record of the testimony and</p> <p>12 proceedings taken at that time.</p> <p>13</p> <p>14 IN WITNESS WHEREOF, I have subscribed my name this</p> <p>15 2nd day of November, 2014.</p> <p>16</p> <p>17</p> <p>18 </p> <p>19</p> <p>20 Alice Chang, CSR No. 13654</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 352</p> <p>1 ERRATA</p> <p>2 I, the undersigned, do hereby certify that I have read the</p> <p>3 transcript of my testimony, and that</p> <p>4</p> <p>5 ___ There are no changes noted.</p> <p>6 ___ The following changes are noted:</p> <p>7</p> <p>8 Pursuant to Rule 30(7)(e) of the Federal Rules of Civil</p> <p>9 Procedure and/or OCGA 9-11-30(e), any changes in form or</p> <p>10 substance which you desire to make to your testimony shall</p> <p>11 be entered upon the deposition with a statement of the</p> <p>12 reasons given for making them. To assist you in making any</p> <p>13 such corrections, please use the form below. If additional</p> <p>14 pages are necessary, please furnish same and attach.</p> <p>15</p> <p>16 Page ___ Line ___ Change _____</p> <p>17</p> <p>18 Reason for change _____</p> <p>19 Page ___ Line ___ Change _____</p> <p>20</p> <p>21 Reason for change _____</p> <p>22 Page ___ Line ___ Change _____</p> <p>23</p> <p>24 Reason for change _____</p> <p>25</p>
<p style="text-align: right;">Page 351</p> <p>1 TO: Kimberly Allison, M.D.</p> <p>2 Re: Reading and Signing Your Deposition Transcript</p> <p>3 Date Errata due back at our offices: 12/3/2014</p> <p>4</p> <p>5 Greetings:</p> <p>6 You have reserved the right to read and sign your</p> <p>7 deposition transcript. Please review the attached</p> <p>8 PDF transcript, noting any changes or corrections</p> <p>9 on the attached PDF Errata. You may fill out the</p> <p>10 Errata electronically or print and fill out manually.</p> <p>11</p> <p>12 The PDF files open with Adobe Reader. If you need help</p> <p>13 opening these files, please see the instructions in the</p> <p>14 cover letter of this email.</p> <p>15</p> <p>16 Once you have completed your Errata, please print it, sign</p> <p>17 it, and have the document notarized in the place provided.</p> <p>18</p> <p>19 When the signed Errata is returned to us, we will seal</p> <p>20 and forward to the taking attorney to file with the</p> <p>21 original transcript. We will also send copies of the</p> <p>22 Errata to all ordering parties.</p> <p>23</p> <p>24 If the signed Errata is not returned within the time</p> <p>25 below, the original transcript may be filed with the</p> <p>26 court without your signature.</p> <p>27</p> <p>28 Please send completed Errata to:</p> <p>29 Tiffany Alley Global Reporting &amp; Video</p> <p>30 730 Peachtree St. NE, Ste 470</p> <p>31 Atlanta, GA 30308</p> <p>32 (770) 343-9696</p> <p>33</p> <p>34</p> <p>35</p>	<p style="text-align: right;">Page 353</p> <p>1 Page ___ Line ___ Change _____</p> <p>2</p> <p>3 Reason for change _____</p> <p>4 Page ___ Line ___ Change _____</p> <p>5</p> <p>6 Reason for change _____</p> <p>7 Page ___ Line ___ Change _____</p> <p>8</p> <p>9 Reason for change _____</p> <p>10 Page ___ Line ___ Change _____</p> <p>11</p> <p>12 Reason for change _____</p> <p>13 Page ___ Line ___ Change _____</p> <p>14</p> <p>15 Reason for change _____</p> <p>16 Page ___ Line ___ Change _____</p> <p>17</p> <p>18 Reason for change _____</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">DEPONENT'S SIGNATURE</p> <p>26</p> <p>27 Sworn to and subscribed before me this ___ day of</p> <p>28 _____, _____. </p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34 NOTARY PUBLIC</p> <p>35 My Commission Expires: _____</p>